

PROPOSED COUNCIL SUBSTITUTE FOR COUNCIL/COMMITTEE PURPOSES

Bill No. CS/HB 1451

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Council/Committee hearing bill: Economic Development &
Community Affairs Policy Council
Representative Ray offered the following:

Proposed Council Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to transportation; amending s. 163.3180, F.S.; providing that certain projects or high-performance transit systems be considered as committed facilities; requiring that the cost associated with accommodating a transit facility be credited against the developer's proportionate-share contribution; revising an exception to transportation concurrency requirements to provide for hangars used for assembly and manufacture of aircraft; exempting certain housing developments from concurrency requirements; requiring local government agreements relating to funding regional transportation impacts under certain circumstances; defining the term "backlog" as it applies to the impacts of development on transportation facilities; conforming a cross-reference; amending s. 380.06, F.S.; requiring the transportation level of service standards applied to development of regional

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24 impact to be consistent with comprehensive planning
25 concurrency standards; amending ss. 316.1001, 320.03, and
26 338.155, F.S.; providing that failure to pay a toll may be
27 punished by withholding of license plates and revalidation
28 stickers; providing procedures for enforcement; amending
29 s. 322.27, F.S.; exempting certain violations from the
30 Department of Highway Safety and Motor Vehicles' point
31 system for evaluation of violations of motor vehicle laws
32 and ordinances; amending s. 316.29545, F.S.; excluding
33 vehicles owned or leased by private investigative services
34 from certain restrictions when used in specified
35 activities; amending s. 316.515, F.S.; revising a
36 limitation on the length of certain trailers issued a
37 special permit by the department to deliver manufactured
38 buildings; amending s. 316.535, F.S.; increasing weight
39 limits for vehicles on highways that are not in the
40 Interstate Highway System; amending s. 316.545, F.S.;
41 providing for a reduction in the gross weight of certain
42 vehicles equipped with idle-reduction technologies when
43 calculating a penalty for exceeding maximum weight limits;
44 requiring the operator to provide certification of the
45 weight of the idle-reduction technology and to demonstrate
46 or certify that the idle-reduction technology is fully
47 functional at all times; amending s. 334.03, F.S.;
48 revising definitions relating to the Florida
49 Transportation Code; amending s. 334.044, F.S.; revising
50 powers and duties of the Department of Transportation;
51 removing duty to assign jurisdictional responsibility and
52 to designate facilities as part of the State Highway
53 System; amending s. 334.047, F.S.; removing a provision
54 prohibiting the department from establishing a maximum
55 number of miles of urban principal arterial roads within a

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56 district or county; creating s. 336.445, F.S.; authorizing
57 counties to enter into agreements with private entities
58 for the building, operation, ownership, or financing of
59 toll facilities; requiring public declaration; requiring a
60 public hearing; requiring county to make certain
61 determinations prior to awarding a project; providing
62 requirements for an agreement; amending s. 337.0261, F.S.;
63 recognizing that construction aggregate materials mining
64 is an industry of critical importance and that the mining
65 of construction aggregate materials is in the public
66 interest; amending s. 339.2816, F.S., relating to the
67 Small County Road Assistance Program; providing for
68 resumption of certain funding for the program; revising
69 criteria for program eligibility; revising criteria for
70 prioritization of projects; amending s. 339.2818, F.S.,
71 relating to the Small County Outreach Program; revising
72 the purpose of the program to include certain project
73 types; repealing s. 339.64(5), F.S., relating to Strategic
74 Intermodal System Plan; repealing the Statewide Intermodal
75 Transportation Advisory Council; amending s. 348.51, F.S.
76 revising the definitions of "bonds" and "expressway
77 system" in reference to the Tampa-Hillsborough County
78 Expressway Authority Law; amending s. 348.53, F.S.
79 providing the authority is to benefit the Tampa Bay
80 Region; providing that the purpose of the authority
81 includes transit support facilities; amending s. 348.54,
82 F.S.; authorizing the Tampa-Hillsborough County Expressway
83 Authority to make and issue notes, refunding bonds, and
84 other evidences of indebtedness or obligations for
85 specified purposes relating to the expressway system;
86 prohibiting the authority from pledging the credit or
87 taxing power of the state; providing that the authority's

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obligations are not obligations of the state, a political subdivision, or agency; providing that the state, a political subdivision, or agency is not liable for the payment of principal or interest on the authority's obligations; amending s. 348.545, F.S.; authorizing costs of authority improvements to be financed by bonds issued on behalf of the authority pursuant to the State Bond Act or bonds issued by the authority pursuant to ch. 348, F.S.; amending s. 348.56, F.S.; authorizing bonds to be issued on behalf of the authority pursuant to the State Bond Act or issued by the authority pursuant to ch. 348, F.S.; revising requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances; amending s. 348.565, F.S.; providing that facilities of the expressway system are approved to be refinanced by the revenue bonds issued by the Division of Bond Finance of the State Board of Administration and the State Bond Act, or by revenue bonds issued by the authority; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds issued according to part IV of ch. 348, F.S., and the State Constitution; providing an additional project type where the authority may use revenue bonds; amending s. 348.57, F.S.; authorizing the authority to provide for the issuance of certain bonds for the refunding of any bonds then outstanding regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act; amending s. 348.70, F.S.; providing that part IV of ch. 348, F.S., relating to the Tampa-Hillsborough County Express

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Authority, does not repeal, rescind, or modify certain laws; amending s. 705.18, F.S.; removing provisions for disposal of personal property lost or abandoned at certain public-use airports; creating s. 705.182, F.S.; providing for disposal of personal property found on premises owned or controlled by the operator of a public-use airport; providing a time frame for the property to be claimed; providing options for disposing of such personal property; providing procedures for selling abandoned personal property; providing for notice of sale; permitting airport tenants to establish lost and found procedures; providing that purchaser holds title to the property free of the rights of persons then holding any legal or equitable interest thereto; creating s. 705.183, F.S.; providing for disposition of derelict or abandoned aircraft on the premises of public-use airports; providing procedures for such disposition; requiring a record of when the aircraft is found; defining the terms "derelict aircraft" and "abandoned aircraft"; providing for notification of aircraft owner and all persons having an equitable or legal interest in the aircraft; providing for notice if the owner of the aircraft is unknown or cannot be found; providing for disposition if the aircraft is not removed upon payment of required fees; requiring any sale of the aircraft to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the aircraft; providing for liability if charges and costs related to the disposition are more than that obtained from the sale; providing for a lien by the airport for fees and charges; providing for notice of lien; requiring the filing of a claim of lien; providing for the form of the claim of lien; providing for service

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of the claim of lien; providing that the purchaser of the aircraft takes the property free of rights of persons holding legal or equitable interest in the aircraft; requiring purchaser or recipient to notify the Federal Aviation Administration of change in ownership; providing for disposition of moneys received for an aircraft sold at public sale; authorizing the airport to issue documents relating to the aircraft's disposal; creating s. 705.184, F.S.; providing for disposition of derelict or abandoned motor vehicles on the premises of public-use airports; providing procedures; requiring recording of the abandoned motor vehicle; defining the terms "derelict motor vehicle" and "abandoned motor vehicle"; providing for removal of such motor vehicle from airport premises; providing for notice to the owner, the company insuring the motor vehicle, and any lienholder; providing for disposition if the motor vehicle is not removed upon payment of required fees; requiring any sale of the motor vehicle to be at a public auction; providing notice requirements for such public auction; providing procedures for disposal of the motor vehicle; providing for liability if charges and costs related to the disposition are more than that obtained from the sale; providing for a lien by the airport or a licensed independent wrecker for fees and charges; providing for notice of lien; requiring the filing of a claim of lien; providing for the form of the claim of lien; providing for service of claim of lien; providing that the purchaser of the motor vehicle takes the property free of the rights of persons holding legal or equitable interest in the motor vehicle; amending ss. 288.063, 311.07, 311.09, 316.2122, 316.515, 332.14, 336.01, 338.222, 403.7211, and 479.01, F.S.; correcting

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cross-references; conforming provisions to changes made by
the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (2), paragraphs (b)
and (c) of subsection (4), and subsection (12) of section
163.3180, Florida Statutes are amended, and paragraph (i) of
subsection (16) of section 163.3180, Florida Statutes is created
to read:

163.3180 Concurrency.--

(2)

(c) Consistent with the public welfare, and except as
otherwise provided in this section, transportation facilities
needed to serve new development shall be in place or under
actual construction within 3 years after the local government
approves a building permit or its functional equivalent that
results in traffic generation. In evaluating whether such
transportation facilities will be in place or under actual
construction, the following shall be considered a committed
facility:

1. A project that is included in the first 3 years of a
local government's adopted capital improvements plan;

2. A project that is included in the first 3 years of the
Department of Transportation's adopted work program; or

3. A high-performance transit system that serves multiple
municipalities, connects to an existing rail system, and is
included in a county's or the Department of Transportation's
long-range transportation plan.

(4)

(b) The concurrency requirement as implemented in local
comprehensive plans does not apply to public transit facilities.

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For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this paragraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

(c) The concurrency requirement, except as it relates to transportation facilities and public schools, as implemented in local government comprehensive plans, may be waived by a local government for urban infill and redevelopment areas designated pursuant to s. 163.2517 if such a waiver does not endanger public health or safety as defined by the local government in its local government comprehensive plan. The waiver shall be adopted as a plan amendment pursuant to the process set forth in s. 163.3187(3)(a). A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within these urban infill and redevelopment areas. Affordable housing developments that serve residents who have incomes at or below 60 percent of the area median income and are proposed to be located on arterial roadways that have public transit available are exempt from transportation concurrency requirements.

(12) A development of regional impact satisfies ~~may satisfy~~ the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by paying ~~payment of~~ a proportionate-share contribution for local and regionally significant traffic impacts, if:

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(a) The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;

(b) The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more ~~required~~ mobility improvements that will benefit the network of a regionally significant transportation facilities facility;

(c) The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution to the local government having jurisdiction over the development of regional impact; and

(d) If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(10)-(12), other than the local government with jurisdiction over the development of regional impact, the local government having jurisdiction over the development of regional impact must ~~developer is required~~ to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of a the facility reasonably related to the mobility demands created by the development.

(e) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic modeling standards, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of

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development under review.

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. The cost of any improvements made to a regionally significant transportation facility that is constructed by the owner or developer of the development of regional impact, including the costs associated with accommodating a transit facility within the development of regional impact which is in a county's or the Department of Transportation's long-range transportation plan, shall be credited against a development of regional impact's proportionate-share contribution. Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.

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(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in subsection (12).

(i) As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida, Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

Section 2. Paragraph (a) of subsection (7) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.--

(7) PREAPPLICATION PROCEDURES.--

(a) Before filing an application for development approval, the developer shall contact the regional planning agency with jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. The level-of-service standards required in the transportation methodology must be the same level-of-service standards used to evaluate concurrency in accordance with s. 163.3180. The regional planning agency shall

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provide the developer information about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. If agreement is reached regarding assumptions and methodology to be used in the application for development approval, the reviewing agencies may not subsequently object to those assumptions and methodologies unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate.

Section 3. Subsections (1) and (4) of section 316.1001, Florida Statutes, are amended to read:

316.1001 Payment of toll on toll facilities required; penalties.--

(1) A person may not use any toll facility without payment of tolls, except as provided in s. 338.155. Failure to pay a prescribed toll is a noncriminal traffic infraction, punishable as a moving violation under chapter 318 or by the withholding of a license plate or revalidation sticker for any motor vehicle pursuant to s. 320.03(8).

(4) Any governmental entity, including, without limitation, a clerk of court, may supply the department with data that is machine readable by the department's computer system, listing persons who have one or more outstanding violations of this section, with reference to the person's driver's license number or license plate number in the case of a business entity. Pursuant to s. 320.03(8), the department and its authorized agents may not issue ~~those persons may not be issued~~ a license plate or revalidation sticker for any motor vehicle owned by a person whose name appears on the department's list of persons having any outstanding violations of this

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section until the person's name no longer appears on the list or until the person presents a receipt from the governmental entity or clerk showing that all applicable amounts owed on outstanding violations have been paid.

Section 4. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.--

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the governmental entity that supplied the list or the clerk of court showing that the fines outstanding have been paid. This subsection does not apply to the owner of a leased vehicle if the vehicle is registered in the name of the lessee of the vehicle. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth

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month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 5. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.--

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton--4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50--6 points.
3. Unlawful speed resulting in a crash--6 points.
4. Passing a stopped school bus--4 points.
5. Unlawful speed:

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a. Not in excess of 15 miles per hour of lawful or posted speed--3 points.

b. In excess of 15 miles per hour of lawful or posted speed--4 points.

6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

7. All other moving violations (including parking on a highway outside the limits of a municipality)--3 points. However, no points shall be imposed for a violation of s. 316.0741, s. 316.1001, or s. 316.2065(12).

8. Any moving violation covered above, excluding unlawful speed, resulting in a crash--4 points.

9. Any conviction under s. 403.413(6)(b)--3 points.

10. Any conviction under s. 316.0775(2)--4 points.

Section 6. Subsection (1) of section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.--

(1) No persons are permitted to use any toll facility without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. Any law enforcement officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. Any person operating a fire vehicle when on official business or a rescue vehicle when on official business is exempt from toll payment. Any person participating in the funeral procession of a law

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enforcement officer or firefighter killed in the line of duty is exempt from toll payment. The secretary, or the secretary's designee, may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation pursuant to s. 318.18 or by the withholding of a license plate or revalidation sticker for any motor vehicle pursuant to s. 320.03(8). The department is authorized to adopt rules relating to guaranteed toll accounts.

Section 7. Section 316.29545, Florida Statutes, is amended to read:

316.29545 Window sunscreening exclusions; medical exemption; certain law enforcement vehicles and private investigative service vehicles exempt.--

(1) The department shall issue medical exemption certificates to persons who are afflicted with Lupus or similar medical conditions which require a limited exposure to light, which certificates shall entitle the person to whom the certificate is issued to have sunscreening material on the windshield, side windows, and windows behind the driver which is in violation of the requirements of ss. 316.2951-316.2957. The department shall provide, by rule, for the form of the medical certificate authorized by this section. At a minimum, the medical exemption certificate shall include a vehicle description with the make, model, year, vehicle identification number, medical exemption decal number issued for the vehicle, and the name of the person or persons who are the registered owners of the vehicle. A medical exemption certificate shall be nontransferable and shall become null and void upon the sale or transfer of the vehicle identified on the certificate.

(2) The department shall exempt all law enforcement

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vehicles used in undercover or canine operations from the window sunscreening requirements of ss. 316.2951-316.2957.

(3) The department shall exempt from the window suncreening restrictions of ss. 316.2953, 316.2954, and 316.2956 vehicles owned or leased by private investigative agencies licensed under chapter 493 and used in homeland security functions on behalf of federal, state, or local authorities; executive protection activities; undercover, covert, or surveillance operations involving child abductions, convicted sex offenders, insurance fraud, or missing persons or property; or investigative activities in which evidence is being obtained for civil or criminal court proceedings.

(4)~~(3)~~ The department may charge a fee in an amount sufficient to defray the expenses of issuing a medical exemption certificate as described in subsection (1).

Section 8. Subsection (14) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.--

(14) MANUFACTURED BUILDINGS.--The Department of Transportation may, in its discretion and upon application and good cause shown therefor that the same is not contrary to the public interest, issue a special permit for truck tractor-semitrailer combinations if where the total number of overwidth deliveries of manufactured buildings, as defined in s. 553.36(13), may be reduced by permitting the use of multiple sections or single units on an overlength trailer of no more than 80 ~~54~~ feet.

Section 9. Subsection (5) of section 316.535, Florida Statutes, is amended to read:

316.535 Maximum weights.--

(5) With respect to those highways not in the Interstate Highway System, in all cases in which it exceeds state law in

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effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles, ~~including all enforcement tolerances~~, shall be as determined by the following formula:

$$W = 500((LN \div (N-1)) + 12N + 36)$$

where W = overall gross weight of the vehicle to the nearest 500 pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds ~~including all enforcement tolerances~~. The scale tolerance provided in s. 316.545(2) shall be applicable to all weight limitations of this subsection. Except when a vehicle exceeds the posted weight limit on a bridge, fines for violations of the total gross weight limitations provided for in this subsection shall be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight determined under this subsection plus the scale tolerance provided in s. 316.545(2).

Section 10. Subsection (3) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.--

(3) Any person who violates the overloading provisions of this chapter shall be conclusively presumed to have damaged the highways of this state by reason of such overloading, which damage is hereby fixed as follows:

(a) When the excess weight is 200 pounds or less than the maximum herein provided, the penalty shall be \$10;

(b) Five cents per pound for each pound of weight in excess of the maximum herein provided when the excess weight exceeds 200 pounds. However, whenever the gross weight of the

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vehicle or combination of vehicles does not exceed the maximum allowable gross weight, the maximum fine for the first 600 pounds of unlawful axle weight shall be \$10;

(c) For a vehicle equipped with fully functional idle-reduction technology, any penalty shall be calculated by reducing the actual gross vehicle weight or the internal bridge weight by the certified weight of the idle-reduction technology or by 400 pounds, whichever is less. The vehicle operator must present written certification of the weight of the idle-reduction technology and must demonstrate or certify that the idle-reduction technology is fully functional at all times. This calculation is not allowed for vehicles described in s. 316.535(6);

(d)~~(e)~~ An apportioned motor vehicle, as defined in s. 320.01, operating on the highways of this state without being properly licensed and registered shall be subject to the penalties as herein provided; and

(e)~~(d)~~ Vehicles operating on the highways of this state from nonmember International Registration Plan jurisdictions which are not in compliance with the provisions of s. 316.605 shall be subject to the penalties as herein provided.

Section 11. Section 334.03, Florida Statutes, is amended to read:

334.03 Definitions.--When used in the Florida Transportation Code, the term:

~~(1) "Arterial road" means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.~~

(1)~~(2)~~ "Bridge" means a structure, including supports, erected over a depression or an obstruction, such as water or a

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highway or railway, and having a track or passageway for carrying traffic as defined in chapter 316 or other moving loads.

(2)(3) "City street system" means all local roads within a municipality that were under the jurisdiction of that municipality on June 10, 1995, roads constructed by a municipality for that municipality's street system, and roads transferred to the municipality's jurisdiction after that date by mutual consent with another governmental entity, but does not include roads so transferred from the municipality's jurisdiction, and all collector roads inside that municipality, which are not in the county road system.

~~(4) "Collector road" means a route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.~~

(3)(5) "Commissioners" means the governing body of a county.

(4)(6) "Consolidated metropolitan statistical area" means two or more metropolitan statistical areas that are socially and economically interrelated as defined by the United States Bureau of the Census.

(5)(7) "Controlled access facility" means a street or highway to which the right of access is highly regulated by the governmental entity having jurisdiction over the facility in order to maximize the operational efficiency and safety of the high-volume through traffic utilizing the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.

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631 ~~(6)(8)~~ "County road system" means all roads within a
632 county which were under the jurisdiction of that county on June
633 10, 1995, roads constructed by a county for that county's road
634 system, and roads transferred to the county's jurisdiction after
635 that date by mutual consent with another governmental entity,
636 but does not include roads so transferred from the county's
637 jurisdiction ~~collector roads in the unincorporated areas of a~~
638 ~~county and all extensions of such collector roads into and~~
639 ~~through any incorporated areas, all local roads in the~~
640 ~~unincorporated areas, and all urban minor arterial roads not in~~
641 ~~the State Highway System.~~

642 ~~(7)(9)~~ "Department" means the Department of
643 Transportation.

644 ~~(8)(10)~~ "Florida Intrastate Highway System" means a system
645 of limited access and controlled access facilities on the State
646 Highway System which have the capacity to provide high-speed and
647 high-volume traffic movements in an efficient and safe manner.

648 ~~(9)(11)~~ "Functional classification" means the assignment
649 of roads into systems according to the character of service they
650 provide in relation to the total road network using procedures
651 developed by the Federal Highway Administration. ~~Basic~~
652 ~~functional categories include arterial roads, collector roads,~~
653 ~~and local roads which may be subdivided into principal, major,~~
654 ~~or minor levels. Those levels may be additionally divided into~~
655 ~~rural and urban categories.~~

656 ~~(10)(12)~~ "Governmental entity" means a unit of government,
657 or any officially designated public agency or authority of a
658 unit of government, that has the responsibility for planning,
659 construction, operation, or maintenance or jurisdiction over
660 transportation facilities; the term includes the Federal
661 Government, the state government, a county, an incorporated
662 municipality, a metropolitan planning organization, an

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expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

(11)~~(13)~~ "Limited access facility" means a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other commercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic.

(12)~~(14)~~ "Local governmental entity" means a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a unit of government, that has the responsibility for planning, construction, operation, or maintenance of, or jurisdiction over, a transportation facility; the term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

~~(15) "Local road" means a route providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property.~~

(13)~~(16)~~ "Metropolitan area" means a geographic region comprising as a minimum the existing urbanized area and the contiguous area projected to become urbanized within a 20-year forecast period. The boundaries of a metropolitan area may be designated so as to encompass a metropolitan statistical area or a consolidated metropolitan statistical area. If a metropolitan

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area, or any part thereof, is located within a nonattainment area, the boundaries of the metropolitan area must be designated so as to include the boundaries of the entire nonattainment area, unless otherwise provided by agreement between the applicable metropolitan planning organization and the Governor.

(14)~~(17)~~ "Metropolitan statistical area" means an area that includes a municipality of 50,000 persons or more, or an urbanized area of at least 50,000 persons as defined by the United States Bureau of the Census, provided that the component county or counties have a total population of at least 100,000.

(15)~~(18)~~ "Nonattainment area" means an area designated by the United States Environmental Protection Agency, pursuant to federal law, as exceeding national primary or secondary ambient air quality standards for the pollutants carbon monoxide or ozone.

(16)~~(19)~~ "Periodic maintenance" means activities that are large in scope and require a major work effort to restore deteriorated components of the transportation system to a safe and serviceable condition, including, but not limited to, the repair of large bridge structures, major repairs to bridges and bridge systems, and the mineral sealing of lengthy sections of roadway.

(17)~~(20)~~ "Person" means any person described in s. 1.01 or any unit of government in or outside the state.

(18)~~(21)~~ "Right of access" means the right of ingress to a highway from abutting land and egress from a highway to abutting land.

(19)~~(22)~~ "Right-of-way" means land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

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726 ~~(20)(23)~~ "Road" means a way open to travel by the public,
727 including, but not limited to, a street, highway, or alley. The
728 term includes associated sidewalks, the roadbed, the right-of-
729 way, and all culverts, drains, sluices, ditches, water storage
730 areas, waterways, embankments, slopes, retaining walls, bridges,
731 tunnels, and viaducts necessary for the maintenance of travel
732 and all ferries used in connection therewith.

733 ~~(21)(24)~~ "Routine maintenance" means minor repairs and
734 associated tasks necessary to maintain a safe and efficient
735 transportation system. The term includes: pavement patching;
736 shoulder repair; cleaning and repair of drainage ditches,
737 traffic signs, and structures; mowing; bridge inspection and
738 maintenance; pavement striping; litter cleanup; and other
739 similar activities.

740 ~~(22)(25)~~ "State Highway System" means the ~~following, which~~
741 ~~shall be facilities to which access is regulated:~~

742 ~~(a) The interstate system and all other roads within the~~
743 ~~state which were under the jurisdiction of the state on June 10,~~
744 ~~1995, roads constructed by an agency of the state for the State~~
745 ~~Highway System, and roads transferred to the state's~~
746 ~~jurisdiction after that date by mutual consent with another~~
747 ~~governmental entity, but does not include roads so transferred~~
748 ~~from the state's jurisdiction. These facilities shall be~~
749 ~~facilities to which access is regulated.~~

750 ~~(b) All rural arterial routes and their extensions into~~
751 ~~and through urban areas;~~

752 ~~(c) All urban principal arterial routes; and~~

753 ~~(d) The urban minor arterial mileage on the existing State~~
754 ~~Highway System as of July 1, 1987, plus additional mileage to~~
755 ~~comply with the 2-percent requirement as described below.~~
756

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~~However, not less than 2 percent of the public road mileage of each urbanized area on record as of June 30, 1986, shall be included as minor arterials in the State Highway System. Urbanized areas not meeting the foregoing minimum requirement shall have transferred to the State Highway System additional minor arterials of the highest significance in which case the total minor arterials in the State Highway System from any urbanized area shall not exceed 2.5 percent of that area's total public urban road mileage.~~

~~(23)(26)~~ "State Park Road System" means roads embraced within the boundaries of state parks and state roads leading to state parks, other than roads of the State Highway System, the county road systems, or the city street systems.

~~(24)(27)~~ "State road" means a street, road, highway, or other way open to travel by the public generally and dedicated to the public use according to law or by prescription and designated by the department, as provided by law, as part of the State Highway System.

~~(25)(28)~~ "Structure" means a bridge, viaduct, tunnel, causeway, approach, ferry slip, culvert, toll plaza, gate, or other similar facility used in connection with a transportation facility.

~~(26)(29)~~ "Sufficiency rating" means the objective rating of a road or section of a road for the purpose of determining its capability to serve properly the actual or anticipated volume of traffic using the road.

~~(27)(30)~~ "Transportation corridor" means any land area designated by the state, a county, or a municipality which is between two geographic points and which area is used or suitable for the movement of people and goods by one or more modes of transportation, including areas necessary for management of access and securing applicable approvals and permits.

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Transportation corridors shall contain, but are not limited to, the following:

(a) Existing publicly owned rights-of-way;

(b) All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights-of-way, including, but not limited to, any lands reasonably necessary now or in the future for securing applicable approvals and permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the construction of a future facility, and replacement rights-of-way for relocation of rail and utility facilities.

~~(28)(31)~~ "Transportation facility" means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

~~(29)(32)~~ "Urban area" means a geographic region comprising as a minimum the area inside the United States Bureau of the Census boundary of an urban place with a population of 5,000 or more persons, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations.

~~(33) "Urban minor arterial road" means a route that generally interconnects with and augments an urban principal arterial road and provides service to trips of shorter length and a lower level of travel mobility. The term includes all arterials not classified as "principal" and contain facilities that place more emphasis on land access than the higher system.~~

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821 (30)~~(34)~~ "Urban place" means a geographic region composed
822 of one or more contiguous census tracts that have been found by
823 the United States Bureau of the Census to contain a population
824 density of at least 1,000 persons per square mile.

825 ~~(35) "Urban principal arterial road" means a route that~~
826 ~~generally serves the major centers of activity of an urban area,~~
827 ~~the highest traffic volume corridors, and the longest trip~~
828 ~~purpose and carries a high proportion of the total urban area~~
829 ~~travel on a minimum of mileage. Such roads are integrated, both~~
830 ~~internally and between major rural connections.~~

831 (31)~~(36)~~ "Urbanized area" means a geographic region
832 comprising as a minimum the area inside an urban place of 50,000
833 or more persons, as designated by the United States Bureau of
834 the Census, expanded to include adjacent developed areas as
835 provided for by Federal Highway Administration regulations.
836 Urban areas with a population of fewer than 50,000 persons which
837 are located within the expanded boundary of an urbanized area
838 are not separately recognized.

839 (32)~~(37)~~ "511" or "511 services" means three-digit
840 telecommunications dialing to access interactive voice response
841 telephone traveler information services provided in the state as
842 defined by the Federal Communications Commission in FCC Order
843 No. 00-256, July 31, 2000.

844 (33)~~(38)~~ "Interactive voice response" means a software
845 application that accepts a combination of voice telephone input
846 and touch-tone keypad selection and provides appropriate
847 responses in the form of voice, fax, callback, e-mail, and other
848 media.

849 Section 12. Subsections (11) and (13) of section 334.044,
850 Florida Statutes, are amended to read:

851 334.044 Department; powers and duties.--The department
852 shall have the following general powers and duties:

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(11) To establish a numbering system for public roads and
to functionally classify such roads, ~~and to assign~~
~~jurisdictional responsibility.~~

(13) To ~~designate existing and to~~ plan proposed
transportation facilities as part of the State Highway System,
and to construct, maintain, and operate such facilities.

Section 13. Section 334.047, Florida Statutes, is amended
to read:

334.047 Prohibition.--Notwithstanding any other provision
of law to the contrary, the Department of Transportation may not
establish a cap on the number of miles in the State Highway
System ~~or a maximum number of miles of urban principal arterial~~
~~roads, as defined in s. 334.03, within a district or county.~~

Section 14. Section 336.445, Florida Statutes, is created
to read:

336.445 Public-private partnerships with counties.--

(1) Notwithstanding any other provision of law or
ordinance, a county may enter into agreements with private
entities, or a consortia thereof, for the building, operation,
ownership, or financing of toll facilities as part of the county
road system under the following circumstances:

(a) The county has publically declared at a properly
noticed commission meeting the need for a toll facility and a
desire to contract with a private entity for the building,
operation, ownership, or financing of a toll facility; and

(b) The county establishes after a public hearing that the
proposal includes unique benefits and that adoption of the
project is not contrary to the interest of the public.

(2) Before awarding the project to a private entity, the
county must determine that the proposed project:

(a) Is not contrary to the public's interest;

(b) Would not require state funds to be used;

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885 (c) Would have adequate safeguards in place to ensure that
886 no additional costs or service disruptions would be realized by
887 the travelling public in the event of default or cancellation of
888 the agreement by the county; and

889 (d) Would have adequate safeguards in place to ensure that
890 the county or the private entity has the opportunity to add
891 capacity to the proposed project and other transportation
892 facilities serving similar origins and destinations.

893 (3) Any agreement between a county and a private entity,
894 or consortia thereof, must address the following:

895 (a) Regulations governing the future increase of toll or
896 fare revenues; and

897 (b) That the private entity shall provide an investment
898 grade traffic and revenue study prepared by an internationally
899 recognized traffic and revenue expert that is accepted by the
900 national bond rating agencies. The private entity shall also
901 provide a finance plan than identifies the project cost,
902 revenues by source, financing, major assumptions, internal rate
903 of return on private investment, whether any government funds
904 are assumed to deliver a cost-feasible project, and a total cash
905 flow analysis beginning with the implementation of the project
906 and extending for the term of the agreement.

907 Section 15. Subsection (2) of section 337.0261, Florida
908 Statutes, is amended to read:

909 337.0261 Construction aggregate materials.--

910 (2) LEGISLATIVE INTENT.--The Legislature finds that there
911 is a strategic and critical need for an available supply of
912 construction aggregate materials within the state and that a
913 disruption of the supply would cause a significant detriment to
914 the state's construction industry, transportation system, and
915 overall health, safety, and welfare. In addition, the
916 Legislature recognizes that construction aggregate materials

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917 mining is an industry of critical importance to the state and
918 that the mining of construction aggregate materials is in the
919 public interest.

920 Section 16. Subsection (3) and paragraphs (b) and (c) of
921 subsection (4) of section 339.2816, Florida Statutes, are
922 amended to read:

923 339.2816 Small County Road Assistance Program.--

924 (3) Beginning with fiscal year 1999-2000 until fiscal year
925 2009-2010, and beginning again with fiscal year 2012-2013, up to
926 \$25 million annually from the State Transportation Trust Fund
927 may be used for the purposes of funding the Small County Road
928 Assistance Program as described in this section.

929 (4)

930 (b) In determining a county's eligibility for assistance
931 under this program, the department may consider whether the
932 county has attempted to keep county roads in satisfactory
933 condition, including the amount of local option fuel tax ~~and ad~~
934 ~~valorem millage rate~~ imposed by the county. The department may
935 also consider the extent to which the county has offered to
936 provide a match of local funds with state funds provided under
937 the program. At a minimum, small counties shall be eligible only
938 if:

939 ~~1. the county has enacted the maximum rate of the local~~
940 ~~option fuel tax authorized by s. 336.025(1)(a) ., and has imposed~~
941 ~~an ad valorem millage rate of at least 8 mills; or~~

942 ~~2. The county has imposed an ad valorem millage rate of 10~~
943 ~~mills.~~

944 (c) The following criteria ~~shall~~ be used to prioritize
945 road projects for funding under the program:

946 1. The primary criterion is the physical condition of the
947 road as measured by the department.

948 2. As secondary criteria the department may consider:

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- a. Whether a road is used as an evacuation route.
- b. Whether a road has high levels of agricultural travel.
- c. Whether a road is considered a major arterial route.
- d. Whether a road is considered a feeder road.
- e. Whether a road is located in a fiscally constrained county as defined in s. 218.67(1).

~~f.e.~~ Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

Section 17. Subsection (1) of section 339.2818, Florida Statutes, is amended to read:

339.2818 Small County Outreach Program.--

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or ~~in~~ constructing capacity or safety improvements to county roads.

Section 18. Subsection (5) of section 339.64, Florida Statutes, is repealed.

Section 19. Subsections (3) and (7) of section 348.51, Florida Statutes, is amended to read:

348.51 Definitions.--The following terms whenever used or referred to in this part shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(3) "Bonds" means and includes the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which ~~of~~ the authority is authorized to issue ~~issued~~ pursuant to this part.

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(7) "Expressway system" or "system" means, generally, a modern highway system of roads, managed lanes, and other transit supporting facilities, bridges, causeways, and tunnels in the metropolitan area of the city, or within any area of the county, including the Tampa Bay Region as defined by those counties set forth in s. 343.91(1)(a), with access limited or unlimited as the authority may determine, and such buildings and structures and appurtenances and facilities related thereto, including all approaches, streets, roads, bridges, and avenues of access for such system.

Section 20. Section 348.53, Florida Statutes, is amended to read:

348.53 Purposes of the authority.--The authority is created for the purposes and shall have power to construct, reconstruct, improve, extend, repair, maintain and operate the expressway system. It is hereby found and declared that such purposes are in all respects for the benefit of the people of the State of Florida, City of Tampa, ~~and~~ the County of Hillsborough, and Tampa Bay Region, for the increase of their pleasure, convenience and welfare, for the improvement of their health, to facilitate transportation, including transit support facilities, for their recreation and commerce and for the common defense. The authority shall be performing a public purpose and a governmental function in carrying out its corporate purpose and in exercising the powers granted herein.

Section 21. Subsections (7) and (8) of section 348.54, Florida Statutes, are amended to read:

348.54 Powers of the authority.--Except as otherwise limited herein, the authority shall have the power:

(7) To borrow money and to make and issue negotiable bonds, notes, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive

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1012 form, hereinafter in this chapter referred to as "bonds of the
1013 authority," for the purpose of financing all or part of the
1014 improvement or extension of the expressway system, and
1015 appurtenant facilities, including all approaches, streets,
1016 roads, bridges, and avenues of access for the expressway system
1017 and for any other purpose authorized by this part and to provide
1018 for the rights of the holders thereof.

1019 (8) To secure the payment of bonds by a pledge of all or
1020 any portion of the revenues or such other moneys legally
1021 available therefor and of all or any portion of the Hillsborough
1022 County gasoline tax funds in the manner provided by this part;
1023 and in general to provide for the security of the bonds and the
1024 rights and remedies of the holders thereof. Interest upon the
1025 amount of gasoline tax funds to be repaid to the county pursuant
1026 to s. 348.60 shall be payable, at the highest rate applicable to
1027 any outstanding bonds of the authority, out of revenues and
1028 other available moneys not required to meet the authority's
1029 obligations to its bondholders. The authority shall have no
1030 power at any time or in any manner to pledge the credit or
1031 taxing power of the state or any political subdivision or
1032 agency, including the city and the county, nor shall any of the
1033 authority's obligations be deemed to be obligations of the state
1034 or of any political subdivision or agency, nor shall the state
1035 or any political subdivision or agency, except the authority, be
1036 liable for the payment of the principal of or interest on such
1037 obligations.

1038 Section 22. Section 348.545, Florida Statutes, is amended
1039 to read:

1040 348.545 Facility improvement; bond financing
1041 authority.--Pursuant to s. 11(f), Art. VII of the State
1042 Constitution, the Legislature hereby approves for bond financing
1043 by the Tampa-Hillsborough County Expressway Authority

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improvements to toll collection facilities, interchanges to the legislatively approved expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such ~~costs financing~~ may be financed in whole or in part by revenue bonds issued pursuant to s. 348.56(1) (a) or s. 348.56(1) (b) whether currently issued or issued in the future, or by a combination of such bonds.

Section 23. Subsections (1) and (2) of section 348.56, Florida Statutes, are amended to read:

348.56 Bonds of the authority.--

(1) (a) Bonds may be issued on behalf of the authority pursuant to the State Bond Act.

(b) Alternatively, the authority shall have the power and is hereby authorized from time to time to issue bonds in such principal amount as, in the opinion of the authority, shall be necessary to provide sufficient moneys for achieving its corporate purposes, including construction, reconstruction, improvement, extension, repair, maintenance and operation of the expressway system, the cost of acquisition of all real property, interest on bonds during construction and for a reasonable period thereafter, establishment of reserves to secure bonds, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(2) (a) Bonds issued by the authority pursuant to paragraph (1) (a) or paragraph (1) (b) shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, not exceeding the maximum rate fixed by general law for authorities, be in such denominations, be in such form, either coupon or

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fully registered, carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities of lien on the revenues, other available moneys, and the Hillsborough County gasoline tax funds as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon. The coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority. Such bonds shall have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon.

(b) The bonds issued pursuant to paragraph (1)(a) or paragraph (1)(b) shall be sold at public sale in the same manner provided in the State Bond Act, ~~and the net interest cost to the authority on such bonds shall not exceed the maximum rate fixed by general law for authorities. If all bids received on the public sale are rejected, the authority may then proceed to negotiate for the sale of the bonds at a net interest cost which shall be less than the lowest net interest cost stated in the bids rejected at the public sale.~~ However, if the authority determines, by official action at a public meeting, that a negotiated sale of such bonds is in the best interest of the authority, the authority may negotiate the sale of such bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance within the State Board of Administration with respect to bonds issued pursuant to paragraph (1)(a) or solely by the authority with respect to bonds issued pursuant to paragraph (1)(b). The authority's

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determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser. Pending the preparation of definitive bonds, temporary bonds or interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

Section 24. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.--The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by the ~~issuance of~~ revenue bonds issued by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution and the State Bond Act, or by revenue bonds issued by the authority pursuant to s. 348.56(1)(b). In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds in accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of the State Constitution:

(1) Brandon area feeder roads.

(2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment.

(3) Lee Roy Selmon Crosstown Expressway System widening.

(4) The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.

(5) Managed lanes and other transit support facilities.

Section 25. Subsection (1) of section 348.57, Florida Statutes, is amended to read:

348.57 Refunding bonds.--

(1) Subject to public notice as provided in s. 348.54, the

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authority is authorized to provide by resolution for the issuance from time to time of bonds pursuant to s. 348.56(1)(b) for the purpose of refunding any bonds then outstanding regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act. The authority is further authorized to provide by resolution for the issuance of bonds for the combined purpose of:

(a) Paying the cost of constructing, reconstructing, improving, extending, repairing, maintaining and operating the expressway system.

(b) Refunding bonds then outstanding. The authorization, sale and issuance of such obligations, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties and obligations of the authority with respect to the same shall be governed by the foregoing provisions of this part insofar as the same may be applicable.

Section 26. Section 348.70, Florida Statutes, is amended to read:

348.70 This part complete and additional authority.--

(1) The powers conferred by this part shall be in addition and supplemental to the existing respective powers of the authority, the department, the county and the city, if any, and this part shall not be construed as repealing any of the provisions of any other law, general, special or local, but shall be deemed to supersede such other law or laws in the exercise of the powers provided in this part insofar as such other law or laws are inconsistent with the provisions of this part and to provide a complete method for the exercise of the powers granted herein. The construction, reconstruction, improvement, extension, repair, maintenance and operation of the

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expressway system, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special or local law, including, but not limited to, s. 215.821, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in the county or in the city or in any other political subdivision of the state shall be required for the issuance of such bonds.

(2) This part does not repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the State Board of Administration, but shall supersede such other law or laws as are inconsistent with the provisions of this part, including, but not limited to, s. 215.821.

Section 27. Section 705.18, Florida Statutes, is amended to read:

705.18 Disposal of personal property lost or abandoned on university or community college campuses ~~or certain public-use airports;~~ disposition of proceeds from sale thereof.--

(1) Whenever any lost or abandoned personal property shall be found on a campus of an institution in the State University System or a campus of a state-supported community college, ~~or on premises owned or controlled by the operator of a public-use airport having regularly scheduled international passenger service,~~ the president of the institution or the president's designee ~~or the director of the airport or the director's designee~~ shall take charge thereof and make a record of the date such property was found. If, within 30 days after such property is found, or a longer period of time as may be deemed

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1204 appropriate by the president ~~or the director~~ under the
1205 circumstances, the property ~~it~~ is not claimed by the owner, the
1206 president ~~or director~~ shall order it sold at public outcry after
1207 giving notice of the time and place of sale in a publication of
1208 general circulation on the campus of such institution ~~or within~~
1209 ~~the county where the airport is located~~ and written notice to
1210 the owner if known. The rightful owner of such property may
1211 reclaim the same at any time prior to sale.

1212 (2) All moneys realized from such institution's sale shall
1213 be placed in an appropriate fund and used solely for student
1214 scholarship and loan purposes. ~~All moneys realized from such~~
1215 ~~sale by an airport, less its costs of storage, transportation,~~
1216 ~~and publication of notice, shall, unless another use is required~~
1217 ~~by federal law, be deposited into the state school fund.~~

1218 Section 28. Section 705.182, Florida Statutes, is created
1219 to read:

1220 705.182 Disposal of personal property found on the
1221 premises of public-use airports.--

1222 (1) Whenever any personal property, other than an aircraft
1223 or motor vehicle, is found on premises owned or controlled by
1224 the operator of a public-use airport, the director of the
1225 airport or the director's designee shall take charge thereof and
1226 make a record of the date such property was found.

1227 (2) If, within 30 calendar days after such property is
1228 found or for a longer period of time as may be deemed
1229 appropriate by the director or the director's designee under the
1230 circumstances, the property is not claimed by the owner, the
1231 director or the director's designee may:

1232 (a) Retain any or all of the property for use by the
1233 airport or for use by the state or the unit of local government
1234 owning or operating the airport;

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1235 (b) Trade such property to another unit of local
1236 government or a state agency;

1237 (c) Donate the property to a charitable organization;

1238 (d) Sell the property; or

1239 (e) Dispose of the property through an appropriate refuse
1240 removal company or a company that provides salvage services for
1241 the type of personal property found or located on the airport
1242 premises.

1243 (3) The airport shall notify the owner, if known, of the
1244 property found on the airport premises and that the airport
1245 intends to dispose of the property as provided in subsection
1246 (2).

1247 (4) If the airport elects to sell the property under
1248 paragraph (2) (d), the property must be sold at a public auction
1249 either on the Internet or at a specified physical location after
1250 giving notice of the time and place of sale, at least 10
1251 calendar days prior to the date of sale, in a publication of
1252 general circulation within the county where the airport is
1253 located and after written notice, via certified mail, return
1254 receipt requested, is provided to the owner, if known. Any such
1255 notice shall be sufficient if the notice refers to the airport's
1256 intention to sell all then-accumulated found property, and there
1257 is no requirement that the notice identify each item to be sold.
1258 The rightful owner of such property may reclaim the property at
1259 any time prior to sale by presenting acceptable evidence of
1260 ownership to the airport director or the director's designee.
1261 All proceeds from the sale of the property shall be retained by
1262 the airport for use by the airport in any lawfully authorized
1263 manner.

1264 (5) Nothing in this section shall preclude the airport
1265 from allowing a domestic or international air carrier or other
1266 tenant, on premises owned or controlled by the operator of a

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public-use airport, to establish its own lost and found procedures for personal property and to dispose of such personal property.

(6) A purchaser or recipient in good faith of personal property sold or obtained under this section shall take the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded.

Section 29. Section 705.183, Florida Statutes, is created to read:

705.183 Disposal of derelict or abandoned aircraft on the premises of public-use airports.--

(1) (a) Whenever any derelict or abandoned aircraft is found or located on premises owned or controlled by the operator of a public-use airport, whether or not such premises are under a lease or license to a third party, the director of the airport or the director's designee shall make a record of the date the aircraft was found or determined to be present on the airport premises.

(b) For purposes of this section, the term:

1. "Abandoned aircraft" means an aircraft that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or an aircraft that has remained in an idle state on premises owned or controlled by the operator of a public-use airport for 45 consecutive calendar days.

2. "Derelict aircraft" means any aircraft that is not in a flyable condition, does not have a current certificate of air worthiness issued by the Federal Aviation Administration, and is not in the process of actively being repaired.

(2) The director or the director's designee shall contact the Federal Aviation Administration, Aircraft Registration Branch, to determine the name and address of the last registered

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owner of the aircraft and shall make a diligent personal search of the appropriate records, or contact an aircraft title search company, to determine the name and address of any person having an equitable or legal interest in the aircraft. Within 10 business days after receipt of the information, the director or the director's designee shall notify the owner and all persons having an equitable or legal interest in the aircraft by certified mail, return receipt requested, of the location of the derelict or abandoned aircraft on the airport premises, that fees and charges for the use of the airport by the aircraft have accrued and the amount thereof, that the aircraft is subject to a lien under subsection (5) for the accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, that the lien is subject to enforcement pursuant to law, and that the airport may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days after the date of receipt of such notice, the aircraft has not been removed from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft. Such notice may require removal of the aircraft in less than 30 calendar days if the aircraft poses a danger to the health or safety of users of the airport, as determined by the director or the director's designee.

(3) If the owner of the aircraft is unknown or cannot be found, the director or the director's designee shall cause a laminated notice to be placed upon such aircraft in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief

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description) is unlawfully upon public property known as
(setting forth brief description of location) and has accrued
fees and charges for the use of the (same description of
location as above) and for the transportation, storage, and
removal of the property. These accrued fees and charges must be
paid in full and the property must be removed within 30 calendar
days after the date of this notice; otherwise, the property will
be removed and disposed of pursuant to chapter 705, Florida
Statutes. The property is subject to a lien for all accrued fees
and charges for the use of the public property known as (same
description of location as above) by such property and for all
fees and charges incurred by the public property known as (same
description of location as above) for the transportation,
storage, and removal of the property. This lien is subject to
enforcement pursuant to law. The owner will be liable for such
fees and charges, as well as the cost for publication of this
notice. Dated this: (setting forth the date of posting of
notice), signed: (setting forth name, title, address, and
telephone number of law enforcement officer).

Such notice shall be not less than 8 inches by 10 inches and
shall be sufficiently weatherproof to withstand normal exposure
to the weather. If, at the end of 30 calendar days after posting
the notice, the owner or any person interested in the described
derelict or abandoned aircraft has not removed the aircraft from
the airport upon payment in full of all accrued fees and charges
for the use of the airport and for the transportation, storage,
and removal of the aircraft, or shown reasonable cause for
failure to do so, the director or the director's designee may
cause the use, trade, sale, or removal of the aircraft as
described in s. 705.182(2) (a), (b), (d), or (e).

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1362 (4) Such aircraft shall be removed within the time period
1363 specified in the notice provided under subsection (2) or
1364 subsection (3). If, at the end of such period of time, the owner
1365 or any person interested in the described derelict or abandoned
1366 aircraft has not removed the aircraft from the airport upon
1367 payment in full of all accrued fees and charges for the use of
1368 the airport and for the transportation, storage, and removal of
1369 the aircraft, or shown reasonable cause for the failure to do
1370 so, the director or the director's designee may cause the use,
1371 trade, sale, or removal of the aircraft as described in s.
1372 705.182(2) (a), (b), (d), or (e).

1373 (a) If the airport elects to sell the aircraft in
1374 accordance with s. 705.182(2) (d), the aircraft must be sold at
1375 public auction after giving notice of the time and place of
1376 sale, at least 10 calendar days prior to the date of sale, in a
1377 publication of general circulation within the county where the
1378 airport is located and after providing written notice of the
1379 intended sale to all parties known to have an interest in the
1380 aircraft.

1381 (b) If the airport elects to dispose of the aircraft in
1382 accordance with s. 705.182(2) (e), the airport shall be entitled
1383 to negotiate with the company for a price to be received from
1384 such company in payment for the aircraft, or, if circumstances
1385 so warrant, a price to be paid to such company by the airport
1386 for the costs of disposing of the aircraft. All information
1387 pertaining to the establishment of such price and the
1388 justification for the amount of such price shall be prepared and
1389 maintained by the airport, and such negotiated price shall be
1390 deemed to be a commercially reasonable price.

1391 (c) If the sale price or the negotiated price is less than
1392 the airport's then current charges and costs against the
1393 aircraft, or if the airport is required to pay the salvage

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company for its services, the owner of the aircraft shall remain
liable to the airport for the airport's costs that are not
offset by the sale price or negotiated price, in addition to the
owner's liability for payment to the airport of the price the
airport was required to pay any salvage company. All costs
incurred by the airport in the removal, storage, and sale of any
aircraft shall be recoverable against the owner thereof.

(5) The airport shall have a lien on a derelict or
abandoned aircraft for all fees and charges for the use of the
airport by such aircraft and for all fees and charges incurred
by the airport for the transportation, storage, and removal of
the aircraft. As a prerequisite to perfecting a lien under this
section, the airport director or the director's designee must
serve a notice in accordance with subsection (2) on the last
registered owner and all persons having an equitable or legal
interest in the aircraft. Serving the notice does not dispense
with recording the claim of lien.

(6) (a) For the purpose of perfecting its lien under this
section, the airport shall record a claim of lien which shall
state:

1. The name and address of the airport.
2. The name of the last registered owner of the aircraft
and all persons having a legal or equitable interest in the
aircraft.
3. The fees and charges incurred by the aircraft for the
use of the airport and the fees and charges for the
transportation, storage, and removal of the aircraft.
4. A description of the aircraft sufficient for
identification.

(b) The claim of lien shall be signed and sworn to or
affirmed by the airport director or the director's designee.

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(c) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of _____

County of _____

Before me, the undersigned notary public, personally appeared

_____, who was duly sworn and says that he/she is the

_____ of _____, whose address is _____; and that the

following described aircraft:

(Description of aircraft)

owned by _____, whose address is _____, has accrued

\$ _____ in fees and charges for the use by the aircraft of

_____ and for the transportation, storage, and removal

of the aircraft from _____; that the lienor served its

notice to the last registered owner and all persons having a

legal or equitable interest in the aircraft on _____, (year),

by _____.

(Signature)

Sworn to (or affirmed) and subscribed before me this _____ day

of _____, (year), by (name of person making statement).

(Signature of Notary Public) (Print, Type, or Stamp Commissioned

name of Notary Public)

Personally Known OR Produced _____ as identification.

However, the negligent inclusion or omission of any information

in this claim of lien which does not prejudice the last

registered owner does not constitute a default that operates to

defeat an otherwise valid lien.

(d) The claim of lien shall be served on the last

registered owner of the aircraft and all persons having an

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equitable or legal interest in the aircraft. The claim of lien shall be so served before recordation.

(e) The claim of lien shall be recorded with the clerk of court in the county where the airport is located. The recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of recordation and shall take priority as of that time.

(7) A purchaser or recipient in good faith of an aircraft sold or obtained under this section takes the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded. The purchaser or recipient is required to notify the appropriate Federal Aviation Administration office of such change in the registered owner of the aircraft.

(8) If the aircraft is sold at public sale, the airport shall deduct from the proceeds of sale the costs of transportation, storage, publication of notice, and all other costs reasonably incurred by the airport, and any balance of the proceeds shall be deposited into an interest-bearing account not later than 30 calendar days after the airport's receipt of the proceeds and held there for 1 year. The rightful owner of the aircraft may claim the balance of the proceeds within 1 year after the date of the deposit by making application to the airport and presenting acceptable written evidence of ownership to the airport's director or the director's designee. If no rightful owner claims the proceeds within the 1-year time period, the balance of the proceeds shall be retained by the airport to be used in any manner authorized by law.

(9) Any person acquiring a legal interest in an aircraft that is sold by an airport under this section or s. 705.182 shall be the lawful owner of such aircraft and all other legal

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1488 or equitable interests in such aircraft shall be divested and of
1489 no further force and effect, provided that the holder of any
1490 such legal or equitable interests was notified of the intended
1491 disposal of the aircraft to the extent required in this section.
1492 The airport may issue documents of disposition to the purchaser
1493 or recipient of an aircraft disposed of under this section.

1494 Section 30. Section 705.184, Florida Statutes, is created
1495 to read:

1496 705.184 Derelict or abandoned motor vehicles on the
1497 premises of public-use airports.--

1498 (1)(a) Whenever any derelict or abandoned motor vehicle is
1499 found on premises owned or controlled by the operator of a
1500 public-use airport, including airport premises leased to a third
1501 party, the director of the airport or the director's designee
1502 may take charge thereof and make a record of the date such motor
1503 vehicle was found.

1504 (b) For purposes of this section, the term:

1505 1. "Abandoned motor vehicle" means a motor vehicle that
1506 has been disposed of on a public-use airport in a wrecked,
1507 inoperative, or partially dismantled condition or a motor
1508 vehicle that has remained in an idle state on the premises of a
1509 public-use airport for 45 consecutive calendar days.

1510 2. "Derelict motor vehicle" means any motor vehicle that
1511 is not in a drivable condition.

1512 (c) After the information relating to the abandoned or
1513 derelict motor vehicle is recorded in the airport's records, the
1514 director or the director's designee may cause the motor vehicle
1515 to be removed from airport premises by the airport's wrecker or
1516 by a licensed independent wrecker company to be stored at a
1517 suitable location on or off the airport premises. If the motor
1518 vehicle is to be removed from airport premises by the airport's
1519 wrecker, the airport must follow the procedures in subsections

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(2)-(8). The procedures in subsections (2)-(8) do not apply if the motor vehicle is removed from the airport premises by a licensed independent wrecker company.

(2) The airport director or the director's designee shall contact the Department of Highway Safety and Motor Vehicles to notify that department that the airport has possession of the abandoned or derelict motor vehicle and to determine the name and address of the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and any person who has filed a lien on the motor vehicle. Within 7 business days after receipt of the information, the director or the director's designee shall send notice by certified mail, return receipt requested, to the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. The notice shall state the fact of possession of the motor vehicle, that charges for reasonable towing, storage, and parking fees, if any, have accrued and the amount thereof, that a lien as provided in subsection (6) will be claimed, that the lien is subject to enforcement pursuant to law, that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4), and that any motor vehicle which, at the end of 30 calendar days after receipt of the notice, has not been removed from the airport upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, may be disposed of as provided in s. 705.182(2)(a), (b), (d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar

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days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(3) If attempts to notify the owner or lienholder pursuant to subsection (2) are not successful, the requirement of notice by mail shall be considered met and the director or the director's designee, in accordance with subsection (5), may cause the motor vehicle to be disposed of as provided in s. 705.182(2) (a), (b), (d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(4) (a) The owner of, or any person with a lien on, a motor vehicle removed pursuant to subsection (1), may, within 10 calendar days after the time he or she has knowledge of the location of the motor vehicle, file a complaint in the county court of the county in which the motor vehicle is stored to determine if his or her property was wrongfully taken or withheld.

(b) Upon filing a complaint, an owner or lienholder may have his or her motor vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the fees for towing, storage, and accrued parking, if any, to ensure the payment of such fees in the event he or she does not prevail. Upon the posting of the bond or other adequate security and the payment of any applicable fee, the clerk of the court shall issue a certificate notifying the airport of the posting of the bond or other adequate security and directing the airport to release the motor vehicle. At the time of such release, after reasonable inspection, the owner or

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lienholder shall give a receipt to the airport reciting any claims he or she has for loss or damage to the motor vehicle or the contents thereof.

(5) If, after 30 calendar days after receipt of the notice, the owner or any person claiming a lien has not removed the motor vehicle from its storage location upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, or shown reasonable cause for the failure to do so, the airport director or the director's designee may dispose of the motor vehicle as provided in s. 705.182(2)(a), (b), (d), or (e). If the airport elects to sell the motor vehicle pursuant to s. 705.182(2)(d), the motor vehicle may be sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less. The sale shall be a public auction either on the Internet or at a specified physical location. If the date of the sale was not included in the notice required in subsection (2), notice of the sale, sent by certified mail, return receipt requested, shall be given to the owner of the motor vehicle and to all persons claiming a lien on the motor vehicle. Such notice shall be mailed not less than 10 calendar days before the date of the sale. In addition to the notice by mail, public notice of the time and place of the sale at auction shall be made by publishing a notice thereof one time, at least 10 calendar days prior to the date of sale, in a newspaper of general circulation in the county in which the sale is to be held. All costs incurred by the airport for the towing, storage, and sale of the motor vehicle, as well as all accrued parking fees, if any, shall be recovered by the airport from the proceeds of the sale, and any proceeds of the sale in

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excess of such costs shall be retained by the airport for use by the airport in any manner authorized by law.

(6) The airport pursuant to this section or, if used, a licensed independent wrecker company pursuant to s. 713.78 shall have a lien on an abandoned or derelict motor vehicle for all reasonable towing, storage, and accrued parking fees, if any, except that no storage fee shall be charged if the motor vehicle is stored less than 6 hours. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, or lienholders are not successful, the requirement of notice by mail shall be considered met. Serving of the notice does not dispense with recording the claim of lien.

(7) (a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which shall state:

1. The name and address of the airport.
2. The name of the owner of the motor vehicle, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle.
3. The costs incurred from reasonable towing, storage, and parking fees, if any.
4. A description of the motor vehicle sufficient for identification.

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(b) The claim of lien shall be signed and sworn to or affirmed by the airport director or the director's designee.

(c) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of _____

County of _____

Before me, the undersigned notary public, personally appeared _____, who was duly sworn and says that he/she is the _____ of _____, whose address is _____; and that the following described motor vehicle:

(Description of motor vehicle)

owned by _____, whose address is _____, has accrued \$ _____ in fees for a reasonable tow, for storage, and for parking, if applicable; that the lienor served its notice to the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, Florida Statutes, and all persons of record claiming a lien against the motor vehicle on _____, (year), by _____.

(Signature)

Sworn to (or affirmed) and subscribed before me this _____ day of _____, (year), by (name of person making statement).

(Signature of Notary Public) (Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known OR Produced _____ as identification.

However, the negligent inclusion or omission of any information in this claim of lien which does not prejudice the owner does not constitute a default that operates to defeat an otherwise valid lien.

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1677 (d) The claim of lien shall be served on the owner of the
1678 motor vehicle, the insurance company insuring the motor vehicle
1679 notwithstanding the provisions of s. 627.736, and all persons of
1680 record claiming a lien against the motor vehicle. If attempts to
1681 notify the owner, the insurance company insuring the motor
1682 vehicle notwithstanding the provisions of s. 627.736, or
1683 lienholders are not successful, the requirement of notice by
1684 mail shall be considered met. The claim of lien shall be so
1685 served before recordation.

1686 (e) The claim of lien shall be recorded with the clerk of
1687 court in the county where the airport is located. The recording
1688 of the claim of lien shall be constructive notice to all persons
1689 of the contents and effect of such claim. The lien shall attach
1690 at the time of recordation and shall take priority as of that
1691 time.

1692 (8) A purchaser or recipient in good faith of a motor
1693 vehicle sold or obtained under this section takes the property
1694 free of the rights of persons then holding any legal or
1695 equitable interest thereto, whether or not recorded.

1696 Section 31. Subsection (3) of section 288.063, Florida
1697 Statutes, is amended to read:

1698 288.063 Contracts for transportation projects.--

1699 (3) With respect to any contract executed pursuant to this
1700 section, the term "transportation project" means a
1701 transportation facility as defined in s. 334.03 ~~(28)-(31)~~ which is
1702 necessary in the judgment of the Office of Tourism, Trade, and
1703 Economic Development to facilitate the economic development and
1704 growth of the state. Except for applications received prior to
1705 July 1, 1996, such transportation projects shall be approved
1706 only as a consideration to attract new employment opportunities
1707 to the state or expand or retain employment in existing
1708 companies operating within the state, or to allow for the

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construction or expansion of a state or federal correctional facility in a county with a population of 75,000 or less that creates new employment opportunities or expands or retains employment in the county. The Office of Tourism, Trade, and Economic Development shall institute procedures to ensure that small and minority businesses have equal access to funding provided under this section. Funding for approved transportation projects may include any expenses, other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Subject to appropriation for projects under this section, any appropriation greater than \$10 million shall be allocated to each of the districts of the Department of Transportation to ensure equitable geographical distribution. Such allocated funds that remain uncommitted by the third quarter of the fiscal year shall be reallocated among the districts based on pending project requests.

Section 32. Paragraph (b) of subsection (3) of section 311.07, Florida Statutes, is amended to read:

311.07 Florida seaport transportation and economic development funding.--

(3)

(b) Projects eligible for funding by grants under the program are limited to the following port facilities or port transportation projects:

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1. Transportation facilities within the jurisdiction of the port.

2. The dredging or deepening of channels, turning basins, or harbors.

3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.

4. The acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.

5. The acquisition of land to be used for port purposes.

6. The acquisition, improvement, enlargement, or extension of existing port facilities.

7. Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.

8. Transportation facilities as defined in s. 334.03(28) ~~(31)~~ which are not otherwise part of the Department of Transportation's adopted work program.

9. Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3).

10. Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects

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create economic development opportunities, capital improvements, and positive financial returns to such ports.

Section 33. Subsection (7) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.--

(7) The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of a project, the department shall determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03 (28) ~~(31)~~ which is not otherwise part of the department's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The Department of Transportation shall identify those projects which are inconsistent with the Florida Transportation Plan and the adopted work program and shall notify the council of projects found to be inconsistent.

Section 34. Section 316.2122, Florida Statutes, is amended to read:

316.2122 Operation of a low-speed vehicle on certain roadways.--The operation of a low-speed vehicle, as defined in

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s. 320.01(42), on any road under the jurisdiction of a county or municipality or on an urban minor arterial road under the jurisdiction of the Department of Transportation ~~as defined in s. 334.03(15) or (33)~~, is authorized with the following restrictions:

(1) A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(2) A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

(3) A low-speed vehicle must be registered and insured in accordance with s. 320.02.

(4) Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.

(5) A county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of low-speed vehicles on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Section 35. Paragraph (c) of subsection (5) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.--

(5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY
REQUIREMENTS.--

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(c) The width and height limitations of this section do not apply to farming or agricultural equipment, whether self-propelled, pulled, or hauled, when temporarily operated during daylight hours upon a public road that is not a limited access facility as defined in s. 334.03(11)~~(13)~~, and the width and height limitations may be exceeded by such equipment without a permit. To be eligible for this exemption, the equipment shall be operated within a radius of 50 miles of the real property owned, rented, or leased by the equipment owner. However, equipment being delivered by a dealer to a purchaser is not subject to the 50-mile limitation. Farming or agricultural equipment greater than 174 inches in width must have one warning lamp mounted on each side of the equipment to denote the width and must have a slow-moving vehicle sign. Warning lamps required by this paragraph must be visible from the front and rear of the vehicle and must be visible from a distance of at least 1,000 feet.

Section 36. Paragraph (b) of subsection (7) of section 332.14, Florida Statutes, is amended to read:

332.14 Secure Airports for Florida's Economy Council.--

(7) The SAFE council may utilize, as appropriate and with legislative spending authorization, any federal, state, and local government contributions as well as private donations to fund SAFE Master Plan projects.

(b) The council shall review and approve or disapprove each project eligible to be funded pursuant to this act. The council shall annually submit a list of projects which have been approved by the council to the Secretary of Transportation, the Secretary of Community Affairs, the executive director of the Department of Law Enforcement, and the director of the Office of Tourism, Trade, and Economic Development. The list shall specify the recommended funding level for each project, and, if staged

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implementation of the project is appropriate, the funding requirements for each stage shall be specified.

1. The Department of Community Affairs shall review the list of projects approved by the council to determine consistency with approved local government comprehensive plans of the units of local government in which the airport is located and consistency with the airport master plan. The Department of Community Affairs shall identify and notify the council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and airport master plans.

2. The Department of Transportation shall review the list of projects approved by the council for consistency with the Florida Transportation Plan and the department's adopted work program. In evaluating the consistency of a project, the department shall determine whether the transportation impact of the proposed project is adequately handled by existing state-owned transportation facilities or by the construction of additional state-owned transportation facilities as identified in the Florida Transportation Plan and the department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(28)~~(31)~~ which is not otherwise part of the department's work program, the department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the airport to a state transportation facility or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. The department shall identify those projects which are inconsistent with the Florida Transportation Plan and

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the adopted work program and shall notify the council of projects found to be inconsistent.

3. The Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the SAFE Master Plan. The Office of Tourism, Trade, and Economic Development shall review the economic benefits of each project based upon the rules adopted pursuant to paragraph (a). The Office of Tourism, Trade, and Economic Development shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the SAFE Master Plan and shall notify the council of its findings.

4. The Department of Law Enforcement shall review the list of projects approved by the council for consistency with domestic security provisions of ss. 943.03101, 943.0311, and 943.0312. The Department of Law Enforcement shall identify those projects that it has determined are inconsistent with the state's strategic plan for domestic security and shall notify the council of its findings.

Section 37. Section 336.01, Florida Statutes, is amended to read:

336.01 Designation of county road system.--The county road system shall be as defined in s. 334.03~~(6)~~~~(8)~~.

Section 38. Subsection (2) of section 338.222, Florida Statutes, is amended to read:

338.222 Department of Transportation sole governmental entity to acquire, construct, or operate turnpike projects; exception.--

(2) The department may contract with any local governmental entity as defined in s. 334.03~~(12)~~~~(14)~~ for the

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design, right-of-way acquisition, or construction of any turnpike project which the Legislature has approved. Local governmental entities may negotiate with the department for the design, right-of-way acquisition, and construction of any section of the turnpike project within areas of their respective jurisdictions or within counties with which they have interlocal agreements.

Section 39. Paragraph (a) of subsection (2) of section 403.7211, Florida Statutes, is amended to read:

403.7211 Hazardous waste facilities managing hazardous wastes generated offsite; federal facilities managing hazardous waste.--

(2) The department shall not issue any permit under s. 403.722 for the construction, initial operation, or substantial modification of a facility for the disposal, storage, or treatment of hazardous waste generated offsite which is proposed to be located in any of the following locations:

(a) Any area where life-threatening concentrations of hazardous substances could accumulate at any residence or residential subdivision as the result of a catastrophic event at the proposed facility, unless each such residence or residential subdivision is served by at least one arterial road or urban minor arterial road ~~that, as defined in s. 334.03, which~~ provides safe and direct egress by land to an area where such life-threatening concentrations of hazardous substances could not accumulate in a catastrophic event. Egress by any road leading from any residence or residential subdivision to any point located within 1,000 yards of the proposed facility is unsafe for the purposes of this paragraph. In determining whether egress proposed by the applicant is safe and direct, the department shall also consider, at a minimum, the following factors:

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1. Natural barriers such as water bodies, and whether any road in the proposed evacuation route is impaired by a natural barrier such as a water body;

2. Potential exposure during egress and potential increases in the duration of exposure;

3. Whether any road in a proposed evacuation route passes in close proximity to the facility; and

4. Whether any portion of the evacuation route is inherently directed toward the facility.

For the purposes of this subsection, all distances shall be measured from the outer limit of the active hazardous waste management area. "Substantial modification" includes: any physical change in, change in the operations of, or addition to a facility which could increase the potential offsite impact, or risk of impact, from a release at that facility; and any change in permit conditions which is reasonably expected to lead to greater potential impacts or risks of impacts, from a release at that facility. "Substantial modification" does not include a change in operations, structures, or permit conditions which does not substantially increase either the potential impact from, or the risk of, a release. Physical or operational changes to a facility related solely to the management of nonhazardous waste at the facility shall not be considered a substantial modification. The department shall, by rule, adopt criteria to determine whether a facility has been substantially modified. "Initial operation" means the initial commencement of operations at the facility.

Section 40. Subsection (24) of section 479.01, Florida Statutes, is amended to read:

479.01 Definitions.--As used in this chapter, the term:

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1994 (24) "Urban area" has the same meaning as defined in s.
1995 334.03 (29) ~~(32)~~.
1996 Section 41. This act shall take effect July 1, 2009.